

Minutes

Committee on Stormwater/CSO
Wednesday, March 18, 1998 – 11:30 a.m.
Tenth Floor Conference Room
Lansing City Hall

Call To Order

Councilmember Leeman called the meeting to order at 11:35 a.m.

Roll Call

Councilmember Harold Leeman, Chair
Councilmember Louis H. Adado, Vice Chair
Councilmember Michael Murphy, Member

Others Present

Chad Gamble, Public Service Department
Robert Rose, Public Service Department
Helen Fiser, Claimant
Dick Fiser, Claimant
Jack Jordan, Law Department
Walt Jones, Citizen
Kevin Collins, Citizen
Catherine Moray, Claimant
John Dood, Claimant
Alexander Bolt, Claimant
Tina Gallante, Council Staff

Public Comment on Agenda Items

Public comment was taken at the time of the agenda item.

Approval of Minutes

COUNCILMEMBER MURPHY MOVED TO APPROVE THE MINUTES OF THE MARCH 11, 1998, MEETING AS SUBMITTED. MOTION CARRIED 3-0.

DISCUSSION/ACTION

(All claimants were notified by mail of the meeting.)

Helen and Richard Fiser – 1500 East Cavanaugh

Mr. Gamble presented several maps showing the property owned by Mr. and Mrs. Fiser. The property has no curb and gutter and it is served by the City sanitary storm system and is served by the Wiegman Drain. There are existing four-inch and ten-inch corrugated pipes running through the property, which is supplied by the property owner that drains into the Sycamore Creek. The department feels this property is adequately served and recommends the claim be denied.

Councilmember Adado questioned how large the property was. Mr. Gamble responded it is 13.96 acres. The intention of the owners is to develop the property and Mr. Gamble does have the site plan in his office.

Ms. Fiser stated they created what they call "Fiser Lake" on the property and believe there is no storm water run-off that goes into the City's system. She went on to provide a history of when they requested a Special Land Use permit in 1985 and what they were requested to do to the property as far as grading and filling. They had to deal with two different entities, the City and MDEQ, and were told conflicting actions. All the water runs into this four-acre detention project that they were made to create and they believe this property deserves special consideration because it is unique in nature.

Councilmember Adado agreed this property was unique. He also requested documentation that they were required to create a detention pond. Mr. Gamble responded the City has no record on file indicating they were to create a detention service. Councilmember Adado commented he wanted to make sure the City does not make them reroute their property just so the water drains into the City's system simply to charge a fee.

Councilmember Adado indicated he would like more information on this matter before he makes a decision. He would like to review the original SLU request and what the Fiser's were told and by whom. Mr. Gamble advised the Committee that the City never disagrees with what the State says over a flood plain. They have complete say over those matters.

Mr. Jordan commented he does not have any letter from the DEQ and would request those from the Fisers.

Pending.

George Grabowski – 1434 East Jolly Road

Mr. Gamble reviewed the calculated credit as requested by the General Services Committee last year.

Ms. Fiser commented it is their opinion that they are still opposed to the compromise because precedent has already been set on residential property and the Council is not following the criteria established.

Councilmember Murphy questioned if the Committee had the authority to make the credit retroactive. He would agree to the 1997 year being reduced but to keep 1995 and 1996 the same. Mr. Gamble indicated the 1997 fee was reduced based on the special assessment notice.

Councilmember Murphy indicated he would like this matter held until a legal opinion is prepared on whether this credit can be made retroactive.

Pending.

Dawn Foster – 4033 Woodcreek Lane

Mr. Gamble reported this property does have curb and gutters and is served by the City's sanitary system. It has an 18-inch storm drain serving the property as well. Ms. Foster opposes the EHA calculations. Mr. Gamble reminded the Committee of the flat rate categories. The property has excellent services and the Public Service Department recommends denial.

COUNCILMEMBER MURPHY MOVED TO CONCUR IN THE PUBLIC SERVICE DEPARTMENT'S RECOMMENDATION AND DENY THE CLAIM. MOTION CARRIED 3-0.

Alexander Bolt – 1216 West Mt. Hope Avenue and 1230 Reo Road

Mr. Gamble began by indicating that he understands Mr. Bolt has a lot of issues relative to the legality but he would like to speak just to the ordinance itself when dealing with these claims.

In speaking to the claim of 1216 West Mt. Hope, this property does lie in a combined CSO area. It does have curb and gutter and is served by a 24 inch drain. Mr. Bolt's

appeal is based on the legalities of the stormwater fee. The Public Service Department feels this property has excellent service and recommends denial.

Relative to the 1230 Reo property, Mr. Gamble reported it does have sanitary storm service, no curb and gutter, and is an asphalt street. It is in a separated area with a catch basin directly in front of the property. The department recommends denial of the claim.

Mr. Bolt in speaking to the 1230 Reo Road property indicated he feels it does not utilize the City's system. He presented videotape of this property, which showed the grade of the land going away from the street. He stated that the water never leaves his property, it retains it.

The Committee engaged in conversation relative to the construction of private drains and the authority the City has to instruct the placement of a private drain.

Councilmember Adado expressed that he would agree with the department's recommendation relative to the Mt. Hope property; however, he does have concern with the Reo Road property. From the video, it is apparent that his property is not utilizing the system to the fullest capacity. He is not comfortable with making property owners spend thousands of dollars to lead them to the City's system.

Mr. Gamble again emphasized that the ordinance provides for the grading of properties by the owner. Mr. Bolt also has the opportunity to install a drain in the low spot of his property to lead to the main City drain.

Councilmember Adado suggested having Mr. Bolt do that and grant a credit to him for the amount of the installation of the drain.

Mr. Gamble cautions the Council of establishing a precedent on those who have already spent thousands to correct their properties.

Councilmember Adado feels this is a special circumstance, but feels if this is the case in every neighborhood, then the City should provide the construction to correct those areas.

COUNCILMEMBER MURPHY MOVED TO CONCUR IN THE PUBLIC SERVICE DEPARTMENT'S RECOMMENDATION AND DENY THE CLAIM FOR THE W. MOUNT HOPE AVENUE PROPERTY. MOTION CARRIED 3-0.

COUNCILMEMBER ADADO MOVED TO TABLE THE REO ROAD CLAIM. MOTION CARRIED 3-0.

Louise Mallen -- 3300 Ingham Street

Mr. Gamble reported this property does have sanitary and storm service with an 18-inch drain and it does front curb and gutters. Additionally, there is an 18-inch drain on the

corner. Ms. Mallen has based her appeal on the fact she does not believe it is fair. This property is in a flat rate category and the Public Service Department recommends the claim be denied.

COUNCILMEMBER ADADO MOVED TO CONCUR IN THE PUBLIC SERVICE DEPARTMENT'S RECOMMENDATION AND DENY THE CLAIM AND THAT THE PUBLIC SERVICE DEPARTMENT SEND MS. MALLEN A LETTER EXPLAINING THE FLAT RATE CATEGORY. MOTION CARRIED 3-0.

Mill Pond Company, LLC – 1500 Mill Pond Lane

Mr. Gamble reported this property is "super served" as the City has purchased an easement which runs through their property and they have direct service in all areas.

COUNCILMEMBER ADADO MOVED TO CONCUR IN THE PUBLIC SERVICE DEPARTMENT'S RECOMMENDATION AND DENY THE CLAIM. MOTION CARRIED 3-0.

Miller Associates – South Waverly Road

Mr. Gamble reported this is a vacant piece of property on South Waverly. There is some standing water on the property and would offer a .05 credit based on the grassy areas holding water. He pointed out there is a drain on the southern portion of the property.

Mr. Dood spoke on behalf of the claim indicating they do not feel the property is served.

COUNCILMEMBER ADADO MOVED TO HOLD THIS ITEM IN ORDER TO ALLOW MR. GAMBLE TO MAKE THE CALCULATIONS OF WHAT THE NEW RATE WOULD BE FOR A .05 CREDIT ON THE AREAS HOLDING WATER. MOTION CARRIED 3-0.

Pending.

Catherine Moray – 5201 Bogart Street

Mr. Gamble reported this property falls into the 25 percent credit category because it fronts a street with no curb and gutter and no storm sewer service.

Ms. Moray commented that she has so much water surrounding her property it has cracked the foundation of the home. She feels that there is no run-off from her property that goes to the City's system.

COUNCILMEMBER ADADO INDICATED HE WOULD LIKE THE OPPORTUNITY TO DRIVE BY THE AREA.

Pending.

OTHER

COUNCILMEMBER ADADO MOVED TO INSTRUCT THAT MR. GAMBLE PURCHASE A DIGITAL CAMERA AND THAT THE MATTER BE SENT TO THE WAYS AND MEANS COMMITTEE TO FIND A FUNDING SOURCE. MOTION CARRIED 3-0.

Councilmember Leeman indicated he would like the claim of Mr. Hernly to be placed back on the agenda at the next meeting.

ADJOURN

The meeting was adjourned at 1:45 p.m.

Submitted by,

Tina M. Gallante
Administrative Secretary
Lansing City Council

Approved by Committee.

Signed by: Harold J. Leeman Jr.
Harold Leeman, Jr., Chair

Appropriate documents attached to original set of minutes.